

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

STEPHEN KERSHNAR,

*Plaintiff,*

v.

STEPHEN H. KOLISON, JR, in his  
individual capacity and his official  
capacity as the President of the State  
University of New York at Fredonia, and

DAVID STARRETT, in his individual  
capacity and official capacity as Executive  
Vice President and Provost of the State  
University of New York at Fredonia,

*Defendants.*

Case No.: 1:23-cv-00525

**NOTICE OF AND MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65(a) and the Local Rules of this District, Plaintiff Stephen Kershner moves this Court for a Preliminary Injunction barring Defendants, in their official capacities, as well as their officers, agents, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of the Order, from (a) barring Kershner from teaching responsibilities due to his exercise of rights protected by the First Amendment; (b) initiating or threatening disciplinary action against Kershner arising from his commentary on matters of public concern, including his appearances on the *Brain in a Vat* and *Unregistered* podcasts; or (c) enforcing the directive (reflected in letters to Kershner dated February 3, 2022; August 24, 2022; September 9, 2022; and November 1, 2022) that Kershner not “be on college property, or have contact with the campus community.”

This Motion is based on all the files, records, and proceedings herein, including the accompanying memorandum of law, supporting declarations, and Verified Complaint. Plaintiff intends to serve and file reply papers in support of this Motion.

Plaintiff requests that the Court require no security because this Motion seeks to prevent ongoing and irreparable injury to his First Amendment rights and Defendants will suffer no injury from the issuance of a preliminary injunction.

Dated: June 12, 2023

Respectfully submitted,

/s/ Barry N. Covert

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\* Applications for admission  
*pro hac vice* admission pending.

*Counsel for Plaintiff*